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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

DANIEL D'AMBL Y, ET AL.,

Plaintiffs,

vs.

CHRISTIAN EXOO a/k/a

ANTIFASH GORDON, ET AL.,

Defendants.

Civil Action No:

2:20-cv-12880-JMV-JSA

Honorable John M. Vazquez, United
States District Judge

ORDER

**DISMISSING WITH PREJUDICE
COUNTS IV, V, AND VII OF
PLAINTIFFS' SECOND AMENDED
COMPLAINT AND CROSS-CLAIMS
FILED BY CO-DEFENDANT
COHEN, WEISS AND SIMON, LLP,
AS TO DEFENDANTS TWITTER,
INC. AND VIJAYA GADDE**

THIS MATTER having been brought before the Court upon the motion of

Gibbons P.C. (by Lawrence S. Lustberg, Esq. and Lauren James-Weir, Esq.) and Wilmer Cutler Pickering Hale and Dorr LLP (by Patrick J. Carome, Esq. and Ari Holtzblatt, Esq.) (*pro hac vice*), attorneys for Defendants Twitter, Inc. and Vijaya Gadde, seeking an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing with prejudice Counts IV, V, and VII of Plaintiffs' Second Amended Complaint and the cross-claims previously filed by Co-Defendant Cohen, Weiss and Simon, LLP; and

WHEREAS, by this Court's Order dated August 9, 2022 (D.E. 136), and for the reasons set forth in its accompanying written Opinion, this Court granted, without prejudice, Defendants Twitter, Inc. and Vijaya Gadde's motion to dismiss (D.E. 117) and the other Moving Defendants' motions to dismiss (D.E. 116 and 119); and

WHEREAS this Court accordingly dismissed Counts IV, V, and VII of the Second Amended Complaint as to all the Moving Defendants pursuant to Federal Rule of Civil Procedure 12(b)(6); and

WHEREAS this Court further dismissed Count II of the Second Amended Complaint as to all Plaintiffs except Daniel D'Ambly pursuant to Federal Rule of Civil Procedure 12(b)(2) and as to D'Ambly pursuant to Federal Rule of Civil Procedure 12(b)(6); and

WHEREAS this Court further ordered that its dismissal was without prejudice, and provided that Plaintiffs would have thirty (30) days within which to file an amended complaint that would cure the deficiencies noted in the Court's written Opinion; and

WHEREAS the Court further ordered that if Plaintiffs did not file an amended

pleading within that time, the claims dismissed by the Court in its August 9, 2022 Order would be deemed dismissed with prejudice; and

WHEREAS thirty (30) days from this Court's August 9, 2022 Order expired on September 8, 2022; and

WHEREAS Plaintiff did not file an amended pleading on or before that date;

IT IS on this ____ day of _____, 2022;

ORDERED that Counts IV, V and VII of Plaintiffs' Second Amended Complaint be and hereby are dismissed with prejudice as against Defendants Twitter, Inc. and Vijaya Gadde; and it is further

ORDERED that the cross-claims previously filed by Co-Defendant Cohen, Weiss and Simon, LLP be and hereby are dismissed with prejudice as against Defendants Twitter, Inc. and Vijaya Gadde.

Honorable John Michael Vazquez,
United States District Judge